

National Landscape of Compensation

35 states + federal government have laws to compensate the wrongfully convicted
AL, CA, CO, CT, FL, HI, IA, IL, IN, KS, LA, MA, MD, ME, MI, MN, MO, MS, MT, NC, NE, NH, NJ,
NV, NY, OH, OK, TN, TX, UT, VA, VT, WA, WI, WV.

Annual Compensation Amounts/Caps

More than \$50,000= 9 States

1. DC- \$200,000
2. TX- \$80,000
3. CO- \$70,000
4. KS- \$65,000
5. OH- \$52,625.18
6. NV- 1-10 years= \$50,000 per year of wrongful incarceration; 10-20 years= \$75,000 per year of wrongful incarceration; 20 or more years = \$100,000 per year of wrongful conviction
7. CA- \$51,110
8. CT- \$49,314-\$131,506
9. VT- \$30,000-\$60,000

\$50,000= 10 States

1. AL- \$50,000
2. FL- \$50,000; \$2m cap
3. HI- \$50,000
4. IN- \$50,000
5. MI- \$50,000
6. MN- \$50,000
7. MS- \$50,000
8. NJ- \$50,000
9. WA- \$50,000
10. NC- \$50,000; \$750,000 cap

\$40,000-\$50,000=2 States

- UT- \$44,460; \$666,900 cap
- VA- \$48,819.60

Under \$40,000= 5 States

1. IA- \$18,250
2. LA- \$25,000; \$250,000 cap.
3. MO- \$18,250
4. WI- \$5,000; \$25,000 cap

No Annual Amount= 10 States

1. IL- Less than 5 yrs= \$85,350 max (\$17,070 per year) 5-14 years= \$170,000 max; 14+ years=\$199,150 max
2. MA- No annual amount; \$1m cap
3. MD- No annual amount
4. ME- No annual amount; \$300,000 cap
5. NE- No annual amount; \$500,000 cap

6. NH- No annual amount; \$20,000 cap
7. NY- No annual amount
8. OK- No annual amount; \$175,000 cap
9. TN- No annual amount; \$1 m cap
10. WV- No annual amount.

No Monetary Compensation: 1 State

MT- No monetary; educational aid only.

Additional Compensation for Years on Death Row and/or Post-Release Supervision

- **Federal:** Additional \$100,000 per year on death row.
- **CO:** \$50,000 additional compensation per year on death row; \$25,000 per year on parole, probation or sex offender registry.
- **MN:** \$25,000 per year on parole, probation or sex offender registry.
- **WA:** \$50,000 additional per year on death row, \$25,000 per year on parole, probation, sex offender registry.
- **KS:** \$25,000 per year for each additional year served on parole, post-release supervision or on sex offender registry.

Social Services

19 states offer additional services.

- **Tuition assistance:** 14 states (CO, CT, FL, KS, LA, MA, MN, MT, NC, NJ, NV, TX, VA, VT)
- **Medical expenses:** 9 states (CA, IL, KS, LA, MN, NJ, NV, TX, VT)
- **Job search assistance:** 7 states (CA, CT, LA, IL, NC, NJ, TX)
- **Housing assistance:** 3 states (CA, KS, NJ)
- **Counseling services:** 12 states: (CA, CT, IN, KS, LA, MA, NJ, NV, TX, VA, VT, WA)
- **Re-entry services:** 6 states: (CA, CT, IL, IN, NV, TX)
- **Immediate assistance upon exoneration:** 1 state (CA)

Caps on Compensation

14 states have caps on compensation amounts ranging from - \$20,000- \$2 million (NH, WI, OK, LA, ME, UT, MA, MI, NE, MS, NC, TN, FL, IL)

Bars on Civil Litigation

9 states bar civil litigation for those who receive compensation (CT, FL, HI, IN, MI, MO, TX, VA, WA)

Bars Guilty Pleas: 4 states: NJ, IA, OK, OH

Who decides?

- **Board of Claims:** 3 states (TN, NH, WI)
- **Board of Public Works:** 1 state MD
- **Victim Compensation Board and Board of Claims:** 1 state (CA)
- **Claims Commissioner:** 1 state (CT)

- **Comptroller's Judiciary Section:** 1 state (TX)
- **General Assembly:** 1 state (VA)
- **Industrial Commission:** 1 state (NC)
- **State Division of Risk Management and Committee on Compensation for Wrongful Incarceration:** 1 state (AL)
- **Criminal Justice Institute:** 1 State (IN)
- **Not specified:** 2 states (MT, NE)
- **Courts:**
 - **Circuit Court:** 2 states (HI, MS)
 - **Superior Court or County Supreme Court:** 5 states (MA, ME, NJ, VT, WA)
 - **Court of Claims:** 5 states (IL, MI, NY, WV, OH)
 - **District Court:** 5 states (CO, KS, NV, UT, IA)
 - **Sentencing court:** 1 state (MO)
 - **State civil court:** 1 state (OK)
 - **Trial court:** 2 states (FL, LA)
 - **U.S. Court of Federal Claims:** Federal

Standard of Proof:

- **Clear and convincing evidence:** 15 states (FL, CO, IA, LA, MA, ME, MI, NE, NJ, NY, OK, VT, WA, WI, WV)
- **DNA proves innocence:** 2 states (MT, MO)
- **Actual/Factual innocence:** 2 states (UT)
- **Not specified:** 4 states (IN, NC, VA +Federal)
- **Preponderance of evidence:** 8 states (CA, CT, KS, HI, MN, NV, IL, OH)
- **Pardon:** 2 states MD, TN,
- **Conviction vacated or reversed and the charges dismissed on grounds consistent with innocence:** 1 state (AL)
- **"Found Innocent:"** 1 state (NH)